

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: HECTOR FITZGERALD TYNDALL
AKA: HECTOR F.
TYNDALL, HECTOR TYNDALL

CHAPTER 13

Debtor(s)

CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

vs.

CASE NO: 5-15-02345-JJT

HECTOR FITZGERALD TYNDALL
AKA: HECTOR F.
TYNDALL, HECTOR TYNDALL

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, on October 1, 2018, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1. An Amended Plan was filed on March 14, 2016.
2. A Confirmation hearing was held and an Order was entered on April 10, 2018 directing that an amended plan be filed within thirty (30) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable Plan.

Respectfully submitted,

s/ Agatha R. McHale, Esq.

Id: 47613

Attorney for Trustee

Charles J. DeHart, III

Standing Chapter 13 Trustee

Ste. A, 8125 Adams Drive

Hummelstown, PA 17036

Ph. 717-566-6097

Fax. 717-566-8313

eMail: amchale@pamd13trustee.com

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Movant

CASE NO: 5-15-02345-JJT

NOTICE

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court Max Rosenn U.S. Courthouse Courtroom #2 197 S. Main Street Wilkes Barre, PA	Date: November 6, 2018 Time: 09:35 AM
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Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Charles J. DeHart, III, Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: dehartstaff@pamd13trustee.com

Dated: October 1, 2018

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN HECTOR FITZGERALD
RE: TYNDALL
 AKA: HECTOR F.
 TYNDALL, HECTOR
 TYNDALL

CHAPTER 13

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CHARLES J. DEHART, III
CHAPTER 13 TRUSTEE
Movant

CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on October 1, 2018, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1st Class mail, unless served electronically.

TULLIO DeLUCA, ESQUIRE
381 N 9TH AVENUE
SCRANTON, PA 18504-

Served electronically

United States Trustee
228 Walnut Street
Suite 1190
Harrisburg, PA 17101

Served electronically

HECTOR FITZGERALD TYNDALL
P.O. BOX 2688
WILKES-BARRE, PA 18703

Served by 1ST class mail

I certify under penalty of perjury that the foregoing is true and correct.

Date: October 1, 2018

Vickie Williams
for Charles J. DeHart, III, Trustee
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
eMail: dehartstaff@pamd13trustee.com

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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.